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| 10/046,582      | 01/16/2002  | Victoria M. Bellotti | D/A1490Q            | 4948             |

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EXAMINER

LE, HIEU C

| ART UNIT | PAPER NUMBER |
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2142

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,582

Applicant(s)

BELLOTTI ET AL.

Examiner

Hieu c. Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1-16-02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's election without traverse of group II (claims 3-8) in the reply filed 3/22/05 on is acknowledged.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: Under "CROSS -REFERENCE TO RELATED APPLICATION" heading, it is improper to not disclose the adequate serial number of the application.

Appropriate correction is required.

#### **Object to Drawings**

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig. 18 does not show TaskMaster clients 1802, 1804 disclosed on page 30, lines 25-30 of specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 U.S.C. § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The term "some" in claim 3 is a relative term which renders the claim indefinite. The term "some" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

As to claims 4-7 refer to claim 3.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 3, 5-8 are rejected under 35 U.S.C. 102(b) as anticipated by Reed et al. [ US. No. 5,862,325].

As to claim 3, [as best understood by the Examiner] Reed discloses a system for managing and tracking information items within a first message-based system, the first

message-based system being one of a set of message-based systems within a workgroup, the first message based system having a viewer, the system comprising:

(a) a thrask generating module ,generating a plurality of thrasks (threads & tasks), each of the thrasks including at least one information item having a set of metadata (fig. 29 A, items 1401-1424), the metadata including at least one of the group of a deadline, a reminder (col. 7, line 64-col. 8, line 2), a deferral and an obligation (col. 52; lines 14-53).

(b) a sorting module sorting a new information item into one of the thrasks in accordance with at least one criterion (Fig. 1,item 22, via e-mail);

(c) a display module displaying some of the thrasks and at least one of the metadata of each of the information items in each of the displayed thrasks in the viewer (Fig. 1, item 22, "consumer program operation"; "consumer computer");

(d) an updating module updating the thrasks and at least one of the metadata (col. 75, line 63-col. 63, line 76, col. 105, line 53-col. 106, line 60).

As to claim 5, [ as best understood by the Examiner] refer to claim 3 rejection for their common features. Reed further discloses (d) providing a shared view of some of the thrasks to a subset of the message based systems within the shared workgroup in response to a user selection of an option (col. 43, line 50,-col. 44, line 22).

As to claim 6, Reed further discloses (e) updating at least one of the metadata of one of the information items in one of the thrasks (col. 75, line 63-col. 76, line 63, col. 105, line 53-col. 106, line 60).

Claim 7 is a system analogous to the method of claim 5, arguments analogous to those applied to claim 5 are applied to claim 7.

As to claim 8, refer to claim 6 rejection.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. [ US. No. 5,862,325] and in view of Cooperman et al. [ US. No. 6,907,447]

As to claim 4, [As best understood by the Examiner] Reed does not disclose wherein the first message-based system has different capabilities than some in the set of message-based systems.

Cooperman discloses an instant messaging client application is provided that receives requests to initiate instant messaging conversations and in response to the requests display a notification window (col. 2, line 30- col. 3, line 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cooperman's teachings to modify the system of Reed by using wherein the first message-based has different capabilities than some in the set of message-based systems in order to providing an IM notification that can receive and deliver IM from business partner of the IM provider and other outside entities.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (571) 272-3897.

The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Caldwell Andrew, can be reached on (571) 272-3868. The fax phone number for this Group is (571)-273-3897.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 273-8300.

Hieu Le

A handwritten signature in black ink, appearing to read "Andrew Caldwell", with a stylized, cursive script.

**ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER**